

REMARKS

Claims 1-22, 38-62, and 68-91, as amended, remain in the present application for the Examiner's review and consideration. Claims 23-37 were previously withdrawn from consideration with the present application, and method claims 63-67 directed to a non-elected embodiment were previously canceled.

The courtesy extended by Examiner Matzek during the telephonic interview on January 30, 2007 to Applicant and his representative is greatly appreciated. Applicant also appreciates the agreement reached with the Examiner during the interview. In order to implement this agreement, claims 1 and 62 have been amended to recite a textured composite having an adhesive layer wherein the top and bottom surfaces of the adhesive layer follow substantially the same contour. Support for this claim element can be found in paragraphs [0044], [0048], [0050], [0051], [0085], and [0128] as well as FIGS. 2, 4, 5, 6, 14, and 16 of the originally filed written disclosure. As these amendments do not introduce any new matter into the application, their entry at this time is warranted.

Claims 1, 6-11, 14, 19, 20, 41, 42, 62, 71, 76, 77, and 88 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,652,041 to Buerger *et al.* ("Buerger"). The Examiner states that Buerger reference discloses a composite material having an adhesive layer (layer 16) wherein the top and bottom surfaces of the adhesive layer repeatedly diverge and converge, as illustrated in FIG. 3. In other words, the top and bottom surfaces of layer 16 disclosed in Buerger do not follow the same contour. By contrast, Applicant's amended independent claims 1 and 62 now recite a textured composite having an adhesive layer wherein the top and bottom surfaces of the adhesive layer follow substantially the same contour, as illustrated in FIGS. 2, 4, 5, 6, 14, and 16. Hence, independent claims 1 and 62 are distinguishable over Buerger.

Claims 6-11, 14, 19, 20, 41, 42, 71, 76, 77, and 88 all depend either directly or indirectly from either claim 1 or claim 62 and contain additional recitations that further define the present invention over Buerger. Hence, these claims are presently patentable due to their dependency. Applicant reserves the right to independently support the patentability of these dependent claims when necessary.

Claims 2-5, 12, 13, 15-18, 21, 22, 38-40, 51-59, 68-70, 72-75, 78-87 and 89-91 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buerger in view of U.S. Patent

Application Publication No. 2003/0232170 to Gillette *et al.* ("Gillette"). Claims 43-47 rejected under 35 U.S.C. § 103(a) as being unpatentable over Buerger in view of U.S. Patent No. 5,652,041 to Makansi. Claims 48-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buerger in view of U.S. Patent No. 3,924,040 to Addie *et al.* Claims 60-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buerger in view of Gillette and further in view of U.S. Patent No. 4,442,161 to Kirayoglu *et al.* All of the claims aforementioned in this paragraph depend either directly or indirectly from either claim 1 or claim 62, and as discussed above amended claims 1 and 62 are patentable over Buerger. Therefore, because of their dependency on allowable base claims 1 and 62, claims 2-5, 12, 13, 15-18, 21, 22, 38-40, 43-61, 68-70, 72-75, 78-87 and 89-91 are patentable over Buerger in view of other cited art. Applicant reserves the right to independently support the patentability of these dependent claims when necessary.

Applicant submits that all claims are now in condition for allowance, early notice of which is respectfully requested. Since claims 1 and 62 are presently allowable and remain generic to withdrawn claims 23-37 and 78-84, consideration of the withdrawn claims is earnestly requested.

No fees are due in connection with the filing of this response. If fees are necessary, please charge the additional fees to Deposit Account No. 50-1980. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully Submitted,

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